

EXHIBIT D



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,649	06/04/2001	Mitsuhiro Ono	P/3156-22	4262

2352 7590 03/31/2004

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

TORRES, JOSEPH D

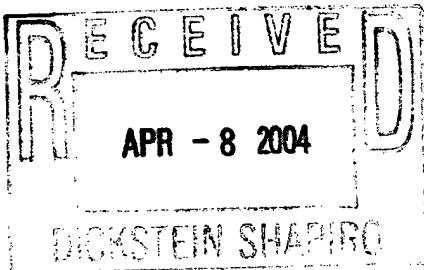
ART UNIT

PAPER NUMBER

2133

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



DSMO FILE NO. A3156.0002
DUE: _____
C/L: _____
ENTERED BY: SM
ATTY: MS/IRB

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OFGS FILE NO	P/3156-22
Transferred	SM
PATENTS ORDERED	CM



Notice of Abandonment

Application No.

09/873,649

Examiner

Joseph D. Torres

Applicant(s)

ONO, MITSUHIRO

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 September 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See attached Interview Summary.

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Albert Regady
ALBERT REGADY
EXAMINER
2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Examiner-Initiated Interview Summary

Application No.

09/873,649

Applicant(s)

ONO, MITSUHIRO

Examiner

Joseph D. Torres

Art Unit

2133

All Participants:

(1) Joseph D. Torres.

(2) Steven Weisburd.

Status of Application: Ex Parte Quayle

(3) _____.

(4) _____.

Date of Interview: 24 March 2004

Time: 1:30pm

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: *N/A.*

Part I.

Rejection(s) discussed:

N/A

Claims discussed:

N/A

Prior art documents discussed:

N/A

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

The Attorney informed the Examiner that the Office Action was never received.

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

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(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)



Docket No.: A3156.0022/PO22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mitsuhiro Ono

Application No.: 09/873,649

Art Unit: N/A

Filed: June 4, 2001

Examiner: Not Yet Assigned

For: INTERGRATED CIRCUIT FOR MODEM

DECLARATION OF DAVID ANDRES

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Dear Sir:

I, David Andres, declare as follows:

1. I am a formalities clerk in the employ of Dickstein Shapiro Morin & Oshinsky, LLP ("Dickstein"). I have been employed by Dickstein since February 2002. One of my responsibilities at Dickstein is to retrieve mail from Ostrolenk Faber Gerb & Soffen ("Ostrolenk") sent there by the United States Patent and Trademark Office and to deliver such mail to docketing at Dickstein. Mail addressed to Mr. Weisburd from the U.S. Patent and Trademark Office was commonly delivered to Ostrolenk if a change of address was not entered.

2. Any mail for Mr. Weisburd delivered to Ostrolenk from the U.S. Patent and Trademark Office or other entity was hand carried by me from Ostrolenk to the Dickstein docketing department on a regular basis.

3. If I or any other person employed by Dickstein were sent to Ostrolenk to retrieve mail, this mail would be delivered to Dickstein's docket department for recordation in Dickstein's docket records.

I am aware that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and may jeopardize the validity of the instant application or any patent issuing thereon. I certify that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: April 8, 2004

Respectfully submitted,

A handwritten signature in cursive script, reading "David Andres", is written over a horizontal line.

David Andres



Docket No.: A3156.0022/PO22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mitsuhiro Ono

Application No.: 09/873,649

Art Unit: N/A

Filed: June 4, 2001

Examiner: Not Yet Assigned

For: INTERGRATED CIRCUIT FOR MODEM

DECLARATION OF HENRIETTA MARRON

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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APR 16 2004

Technology Center 2100

Dear Sir:

I, Henrietta Marron, declare as follows:

1. I am the patent docketing specialist in the employ of Dickstein Shapiro Morin & Oshinsky, LLP (Dickstein). I have been so employed since approximately January 7, 2002.

2. One of my responsibilities at Dickstein is to open mail received from the U.S. Patent and Trademark Office ("USPTO") and to record and docket the received mail based on its application serial number. Additionally, during the

transition of files from Ostrolenk Faber Gerb & Soffen (“Ostrolenk”) to Dickstein, I reviewed the file jackets to enter outstanding dates in the Dickstein docket.

3. As of March 30, 2004, no substantive paper was received from the USPTO for the above-captioned patent application. Subsequently, the only paper received was a Notice of Abandonment, mailed on March 31, 2004.

4. I did not receive an Ex Parte Quayle Action for the above-captioned patent application.

5. To the best of my knowledge, no one at Dickstein received an Ex Parte Quayle Action for the above-captioned patent application.

6. To the best of my knowledge, no one at Ostrolenk received an Ex Parte Quayle Action for the above-captioned patent application.

7. If I or any other person employed by Dickstein had received the Ex Parte Quayle Action mailed September 23, 2003, that Ex Parte Quayle Action would have been entered into Dickstein’s docket records for a response due on October 23, 2003 and a six month due deadline on March 23, 2004.

8. If the Ex Parte Quayle Action had been received by Ostrolenk, it would have been retrieved by a Dickstein employee and brought to docketing to be entered in the law firms docket records.

9. Therefore, the fact that the Ex Parte Quayle Action, mailed September 23, 2003, does not appear in Dickstein's docket record for either October 23, 2003 or March 23, 2004 (copy attached as Exhibit A) indicates that neither Dickstein nor Ostrolenk received that Ex Parte Quayle Action.

I am aware that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and may jeopardize the validity of the instant application or any patent issuing thereon. I certify that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: April 8, 2004

Respectfully submitted,


Henrietta Marron